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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Old et al.
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For : CANCER ASSOCIATED ANTIGENS AND USES THEREFOR
Examiner : B. Sisson
Art Unit : 1655

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Ellie
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CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being facsimile transmitted to the United States Patent and Trademark Office in accordance with 37 C.F.R. §1.6(d) to the attention of Examiner B. Sisson, Art Unit 1655, in Technology Center 1600 of the Patent and Trademark Office, Washington, D.C. 20231, FAX number 703-872-9306, on the 30th day of November, 2001.


Monica E. Zombori

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement mailed on October 3, 2001, Applicants hereby elect Group V claims for prosecution with traverse.

Remarks

This response is accompanied by an amendment that restores claims 68-70, 72, 74-75. These claims, now numbered 118-121, are assumed to be included with elected Group V and Group VI, respectively.

Applicants respectfully urge the Examiner to rejoin Group VI (claims 71 and 73-75) to elected Group V (claim 67). Applicants note that the Examiner's reason for restricting Groups V and VI is that these groups lack a special technical feature. Applicants respectfully disagree.

Groups V and VI share nucleic acid molecules as a special technical feature. In particular, as now amended, claims 71 and 73-75 (as well as new claim 121 corresponding to original claim 72) depend directly from claim 67. Thus these claims should be examined together.

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Applicants further maintain that any additional searching required to examine the claimed nucleic acid sequences and vectors of Groups V and VI is not burdensome because the sequences of the nucleic acid molecules which form the basis for the claimed invention are the same.

Applicants note that claim 59 was not listed as pending nor was it included with any restriction group. As the special technical feature of this claim overlaps with elected Group V, Applicants believe that claim 59 should be placed in Group V and examined together with the other elected claims. As above, Applicants maintain that any additional searching required to examine the claim 59 and the claims of Groups V and VI is not burdensome because the sequences of the nucleic acid molecules which form the basis for the claimed invention are the substantially the same.

Applicants also note that pending claim 83 was not included with any restriction group. As claim 83 pertains to kits for detecting the expression of nucleic acid molecules using nucleic acid molecules that share a special technical feature with the nucleic acid molecules claimed in Group V, Applicants believe that claim 83 can be properly joined with Group V, and examined presently.

Therefore, Applicants assert that Groups V and VI are properly examined together along with claims 59 and 83, and accordingly respectfully request reconsideration of the restriction requirement for the reasons set forth above.

Respectfully submitted,


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